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26 FEB 2008

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In re Application of
TAGUSARI, Eiko
U.S. Application No. 10/568,272
PCT No.: PCT/JP04/10699
Int. Filing Date: 28 July 2004
Priority Date: 22 August 2003
Attorney Docket No.: 060129
For: LOCK NUT

DECISION ON REQUEST

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment under 37 CFR 1.181" filed 19 December 2007. No petition fee is required.

BACKGROUND

On 28 July 2004, applicant filed the above-captioned international application which claimed a priority date of 22 August 2003 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 March 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 February 2006.

On 15 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*,: the basic national fee; a copy of the international application; an English translation of the international application; and a preliminary amendment.

On 08 August 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 was omitted. A new oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required. The notification set a two-month time limit in which to respond.

On 11 December 2007, the United States Elected Office mailed a Notification of Abandonment under 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 08 August 2006 within the time period set therein.

On 19 December 2007, applicant filed the present "Petition to Withdraw Holding of Abandonment under 37 CFR 1.181."

DISCUSSION

Based on the statements in the present petition and the attached return postcard, the materials attached to the present petition (including the executed declaration) will be treated as having been submitted on 21 September 2006. The submission is therefore considered a timely response to the Notification Of Missing Requirements mailed 08 August 2006.

The Notification of Abandonment mailed 11 December 2007, based as it was on applicants' purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately vacated. A review of the declaration attached to the petition confirms that the declaration is in compliance with 37 CFR 1.497.

CONCLUSION

The petition to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 11 December 2007 is hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 September 2006.



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